



Rules of Evidence. *See United States v. Urena*, 27 F.3d 1487 (10<sup>th</sup> Cir. 1994). It is customary in this district to hold such a hearing well before trial, outside of the presence of the jury. The Government is required to show by a preponderance of evidence that existence of the predicate conspiracy and that the statements sought to be admitted were made during the course of and in furtherance of the conspiracy. *Id.* at 1490.

The Defendant further moves this Court for an Order requiring the Government to provide the defendants with a list of the statements it intends to introduce pursuant to the co-conspirator hearsay rule and a proffer of the evidence that it alleges will establish the conspiracy agreement.

DATED this 30<sup>th</sup> day of September, 2013.

/s/ David V. Finlayson  
DAVID V. FINLAYSON  
Attorney for Defendant

#### **CERTIFICATE OF SERVICE**

I hereby certify that on the 30<sup>th</sup> day of September, 2013, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which sent notification of such filing to the following, all defense counsel and:

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\_\_\_\_\_/s/ David V. Finlayson